

HOUSE BILL 101

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2004 Regular Session  
4r0015

(PRE-FILED)

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By: **Chairman, Environmental Matters Committee (By Request -  
Departmental - Natural Resources)**

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Vessels - Accident Reports**

3 FOR the purpose of altering the requirement for the filing of a report for accidents  
4 involving the collision of two or more vessels under certain circumstances; and  
5 generally relating to vessel accident reports.

6 BY repealing and reenacting, with amendments,  
7 Article - Natural Resources  
8 Section 8-724  
9 Annotated Code of Maryland  
10 (2000 Replacement Volume and 2003 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Natural Resources**

14 8-724.

15 (a) The operator of a vessel involved in a collision, accident, or other casualty  
16 shall render all practical and necessary assistance to persons affected by the collision,  
17 accident, or casualty to save the persons from danger caused by the collision,  
18 accident, or casualty, to the extent the operator can do so without serious danger to  
19 the operator's own vessel, or persons aboard. The operator also shall give the  
20 operator's name, address, and the identification of the operator's vessel to any person  
21 injured and to the owner of any property damaged. The duties imposed by this  
22 subsection are in addition to any duties otherwise imposed by law.

23 (b) If an accident involves any vessel subject to this subtitle while on the  
24 waters of the State and results in the death, disappearance, or injury of any person or  
25 in property damage of \$2,000 or more, or there is complete loss of the vessel, [or a  
26 collision occurs involving two or more vessels, regardless of the amount of damage to  
27 property, the operator or owner, if the operator cannot submit a report] THE

1 OPERATOR shall file with the Department a full description of the accident, including  
2 any information the Department requires by regulation. IF THE OPERATOR IS  
3 UNABLE TO FILE THE REPORT, THE VESSEL OWNER SHALL FILE THE REPORT. If the  
4 accident caused the death or disappearance of any person or a person receives medical  
5 treatment beyond first aid, the report shall be made within 48 hours. Any other  
6 accident resulting in personal injury or property damage shall be reported within 10  
7 days. This subsection does not apply to a vessel required to have a certificate of  
8 inspection under Chapter 1, Title 46, Code of Federal Regulations.

9 (c) If any vessel numbered in the State is involved in an accident on waters  
10 outside of the State, and the accident results in the death, disappearance, or injury of  
11 any person or in property damage of \$2,000 or more, [or a collision occurs involving  
12 two or more vessels, regardless of the amount of damage to property,] the operator or  
13 owner, within 30 days, shall file a complete report with the Department including any  
14 information the Department requires by regulation. This subsection does not exempt  
15 or excuse any operator or owner[, if the operator cannot submit the report,] from the  
16 requirements of any federal or other State law or rule or regulation having  
17 jurisdiction over the waters in which the accident occurs. Furthermore, any  
18 accident-reporting requirement in the federal or other State law or rule or regulation  
19 may not exonerate or excuse any failure of the operator or owner of a vessel numbered  
20 in the State to report the accident in the State.

21 (d) The required report of a boating accident may not be referred to during any  
22 judicial proceeding. It is not subject to subpoena or admissible as evidence in any  
23 proceeding. Subject to these restrictions, information contained in a boating accident  
24 report and any statistical information based on the report is available on request for  
25 official purposes to the United States Coast Guard and its successor agency.

26 (e) Any person who complies with subsection (a) of this section or who  
27 gratuitously and in good faith renders or attempts to render assistance to any vessel  
28 in distress on any waters of the State without objection from any person assisted, is  
29 not liable for any civil damage as the result of any act or omission by the person in  
30 rendering assistance, if the act or omission does not amount to gross negligence.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
32 effect June 1, 2004.